

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

CIVIL ACTION NO. 04-30177

**JOEL PENTLARGE,
Plaintiff,**

v.

**ROBERT MURPHY, *et al.*,
Defendants.**

**MOTION TO EXTEND TIME OF DEFENDANTS KATHLEEN
DENNEHY, ROBERT MURPHY AND THE MASSACHUSETTS DEPARTMENT
OF CORRECTION TO RESPOND TO (1) THE PLAINTIFF'S COMPLAINTS;
(2) THE PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION TO
REPAIR HEAT AND LEAKING ROOF; AND (3) PLAINTIFF'S SECOND
MOTION TO SUPPLEMENT COMPLAINT**

The Massachusetts Department of Correction ("DOC), Kathleen Dennehy and Robert Murphy (collectively, the "DOC Defendants"), hereby request that the Court extend the time for them to respond to (1) the Plaintiff's complaints; (2) the Plaintiff's Second Motion to Supplement the Complaint; and (3) the Plaintiff's Motion for a Preliminary Injunction until and including February 11, 2004.

Another counsel has recently appeared for the defendants, Natalya Pushkina and Debra O'Donnell. It is the undersigned counsel's understanding that counsel for defendants Pushkina and O'Donnell has requested a thirty day extension to respond to the Plaintiff's complaints. Further, this case has recently been transferred from the Western Division to the Eastern Division of the United States District Court. Accordingly, granting this motion will not unduly delay the progress of this action.

As further grounds for this motion, the DOC Defendants state that additional time is needed due to their counsel's heavy workload. Their counsel is Supervising Counsel for DOC's Legal Office at the Massachusetts Treatment Center ("Treatment Center"). The Treatment Center Legal Office has been without a full-time secretary since mid-August, 2004. Further, one of the four attorneys based at the Treatment Center resigned and concluded his employment with DOC at the end of October, 2004. That position remains vacant. Another of the Treatment Center attorneys represented the Commonwealth in a G.L. c. 123A, § 9 trial that lasted 16 trial days between November 29 and December 20, 2004, leaving the Treatment Center Legal Office even further short staffed during December, 2004. In addition to her ordinary caseload and administrative responsibilities, counsel will have additional administrative responsibilities in January, 2005, including interviewing applicants for the vacant attorney position and training a new secretary who is scheduled to begin working at the Treatment Center Legal Office on January 10, 2005. Counsel is scheduled to represent the Commonwealth in a G.L. c. 123A, § 9 trial beginning on January 18, 2005, before Spurlock, J. Counsel anticipates that this jury trial will last approximately five trial days.

WHEREFORE, the DOC Defendants respectfully that this Court allow the DOC Defendants until February 11, 2005, to respond to the Plaintiff's complaints, the Plaintiff's Second Motion to Supplement the Complaints and the Plaintiff's Motion for a Preliminary Injunction.

Respectfully submitted,
Massachusetts Department of Correction,
Kathleen Dennehy and Robert Murphy,

By their attorneys,

NANCY ANKERS WHITE
Special Assistant Attorney General

By: /s/ Mary P. Murray
Mary P. Murray, Counsel (BBO # 555215)
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Dated: December 29, 2004

Certificate of Service

I hereby certify that I caused a copy of the within document to be served as follows:
(1) Joel Pentlarge, by intra-facility mail; and (2) Kevin Mulvey, Esquire, counsel for defendants Pushkina and O'Donnell by first class mail, postage pre-paid, Mulvey & Sneider, LLP, 1622A Beacon Street, Brookline, MA 02446-2201.

/s/ Mary P. Murray
Mary P. Murray

Dated: December 29, 2004